

12 JUN 1967

MEMORANDUM FOR: Director of Personnel

THROUGH : Executive Officer, Office of Personnel

SUBJECT : Review of Travel Authorities and Entitlements

STATINTL

1. [REDACTED] and I held our working session to review the legal bases for travel authorities and entitlements that occasion either your review or action in individual cases. I avoided confining our discussions to existing regulatory provisions in order that I could ascertain the need for appropriate recommendations at a later date covering policy or procedural changes.

2. Attached is a draft of the questions and replies handled in our first meeting. In our next meeting on 13 June, we will go over the attachment for correction and modification as required. We plan to continue this procedure on a weekly basis until all issues are resolved, at which point I will arrange for the paper's formal submission to you by the General Counsel. It can then be kept up to date as a basic reference paper in resolving future cases.

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3. On 14 June, I have a meeting with a travel expert in the [REDACTED] to discuss some of the [REDACTED] administrative arrangements and experiences in handling some of the problems of principal concern to our office.

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Deputy Chief, Plans and Review Staff
Office of Personnel

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Overseas Tours

Question: Can the Agency prescribe under its own authority any minimum or maximum overseas tours it desires for designated posts and pay travel and transportation expenses upon satisfaction of the prescribed periods? ✓

Answer: Yes. [We did not discuss the correlative question of entitlement to home leave on the expiration of a prescribed tour. In an earlier meeting, we did raise the issue momentarily and plan to deal with it more specifically in a subsequent meeting.]

Return Travel From Overseas

Question: Is the Agency required to return a U.S. citizen employee, his dependents and effects if he resigns or retires overseas prior to the time of the prescribed tour and incur the necessary expenses therefor?

Answer: Yes.

Question: If he serves the prescribed period but refuses to return within the time stipulated by Agency officials?

Answer: No. Legally we can prescribe whatever period is desired.

Question: If the return short of tour is not primarily for the convenience of the Government?

Answer: Yes.

Question: If the principal reason for the return is involuntary separation not for cause?

Answer: Yes.

Question: If the principal reason for the return is for involuntary separation for cause or misconduct or for resignation in lieu of separation?

Answer: Yes.

Question: If the Government is legally required to return an employee even though he breaches his tour or is returned for personal reasons or cause, is the Agency required to proceed legally against the employee to collect the costs, including (a) attachment of final monies due the employee and (b) outside legal action?

Answer: If, pursuant to the above comments, the cost of return travel and transportation to the U.S. is furnished upon request to a U.S. citizen employee resigning overseas and the Agency determines that the circumstances of his employment preceding the resignation were a breach of tour, were unsatisfactory or were for personal reasons not for the convenience of the Government, the Agency is required to attach any final salary and other monies due the employee up to the amount of the indebtedness owed the U.S. Government. If necessary in obtaining full satisfaction of the amount due the Government, the Agency is obliged in the absence of preclusive security

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or cover considerations to instigate action in final settlement of the debt by turning over the problem to the Department of Justice. [The comments in this paragraph concern only the legal obligation of the Agency to return a U.S. citizen employee if requested upon resignation or termination abroad irrespective of the fault of the employee and the corresponding responsibility of the Agency to recover the costs incurred in providing such travel expenses. It in no way is concerned with an employee's entitlements to receive travel benefits. Agency officials can, of course, refuse a request by an overseas employee to be reassigned or returned home prior to his prescribed tour or time of reassignment as determined by the Agency. An employee's refusal to comply would constitute a breach of tour and perhaps other disciplinary or adverse action as well.]

Question: Are return travel and transportation expenses short of tour for separation, reassignment or retirement payable at Government expense as long as Government convenience is involved, even though the Agency's interest in the employee's return is a result of personal reasons (e.g. if the Agency wants to return an employee for personal or family behavior that makes his further stay untenable even though he may wish to remain, is the individual's action the primary cause and is the return primarily for the Government's convenience)?

Answer: In general, the Agency may pay travel and transportation expenses to an employee returned short of tour for reassignment, separation or retirement when for the convenience of the Government. As long as it is in the Government's convenience to return him, the Agency may authorize return travel of an employee for cause whether it is also at his convenience. However, it can be asserted that an employee legally forfeits his travel rights when his return is required for cause even though the convenience of the Government is thereby served. Accordingly, the Agency has authority to deny travel and transportation expenses (or recover expenses advanced upon demand to a U.S. citizen resigning overseas) if it wishes in individual cases upon making an official finding of a return short of tour for cause.

Question: Is the regulatory authorization of travel and transportation upon separation, retirement or resignation overseas to "place of residence at time of appointment" based upon an obligatory legal requirement or could the Agency provide for return travel to some other point, such as "designated place of residence in U.S." in the Foreign Service or "place of actual residence at time of assignment or transfer" in the Department of the Army and Navy?

Answer: The applicable statutory authorities distinguish between the payment of travel expenses for an employee and his dependents versus the payment of transportation costs for household and related effects. The Agency can legally pay travel expenses of the employee and family upon retirement or resignation abroad to any designated place including outside CONUS. [The Department of State has construed its statutory authority,

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comparable to our own, in this manner with GAO and Congressional approval.] The Agency's legal authority to pay the cost of transporting effects is more limited. If the employee retires abroad, the Agency could legally pay such costs to any designated point inside or outside CONUS. If the employee resigns abroad, the Agency may pay such costs only to "place of residence at time of appointment." [Although the place of an employee's appointment is in Washington, D. C., the "place of residence at the time of appointment" may well be the place from which the individual came just prior to appointment. The legal meaning of the phrase "place of residence at time of appointment" will be decided later. It should be noted that the Agency authorities enumerated in this paragraph are based upon the statutory provision that the Agency "shall" pay travel and transportation expenses pursuant to such regulations as the Director may prescribe. Thus, the Director could circumscribe the applicability of the statute by explicit provisions which would limit the conferment of travel rights, e.g., by defining place of residence as the United States only.]

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ORIGIN OF RECOMMENDED PROPOSALS

Committee on Administrative Authorities

Committee Proposal	Offices Recommending This or Similar Proposal			
	OP	OL	OC	OF
1. Pay travel and transportation costs of CIAR retirees, regardless of duty station to place in U. S., territories or possessions.	X	X	X	
2. Provide home leave normally after 24 months but between 18-36 months, whether initial or subsequent tour.	X		X	
3. Provide up to 12 cents per mile for use of POV on official business in Washington area.		X		
4. Permit approval by Operating Official of per diem for family at TDY stops up to 30 days while en route to or from PCS overseas.			X	X
5. Limit travel and transportation costs of employee retiring abroad to place designated by employee in U. S., territories or possessions.	X			
6. Limit home leave for personnel assigned in U. S. after overseas tour to 15 workdays.	X			
7. Pay allowable travel and transportation costs of employee resigning abroad to permanent place of residence in U. S. (Define permanent place of residence in regulations.)	X	X		
8. Establish procedure for prescribing overseas tours other than 24 months when necessary.	X			
9. Clarify home leave points.	X			
10. Eliminate duplicative eligibility criteria for home leave travel and home leave time.	X			
11. Establish criteria and procedures for determining eligibility for home leave and Home Service Transfer Allowance.	X			

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*(Long Version)***SUMMARY OF ACTIVITY****Committee on Administrative Authorities****1. Background**

- a. DCI conferred authority on Executive Director-Comptroller to utilize Agency's statutory authority to adopt administrative authority of other laws determined to be necessary for administration of all employees of Agency (salary and retirement changes excluded).
- b. Executive Director-Comptroller requested DDS to review appropriate changes, if any, in light of principle "to make sure that the travel expenses, allowances and other fringe benefits provided to Agency employees are as favorable as those provided in existing laws or in laws hereafter enacted for other Government employees in similar circumstances."
- c. DDS appointed a Committee, consisting of representatives of OP, OL, OF and OGC, to conduct review.
- d. In consonance with guidelines approved by the DDS, the Committee requested Directors of Support Services to propose any administrative authorities that should be adopted or any administrative policy changes, e.g., programs in other agencies, that should be effected, either under the authority of Agency legislation or some other law.
- e. The Committee has prepared a Report of its findings and recommendations on each of these proposals and other suggestions, arising from its review of pertinent external laws and regulations. A number of officials in the DDS Services were invited to present their views orally to the Committee on various topics of concern to them or on which they are particularly knowledgeable.

2. Summary of Report

- a. The Report is divided into two Sections:

Section I - Proposals requiring the adoption of administrative authorities in other laws.

Section II - Other proposals presented by the Support Services
- b. Positive recommendations are made on 11 of the 29 proposals considered.
 - (1) Three require adoption of other authorities.
 - (2) Eight can be implemented under Agency legislation.

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Excluded from automatic
downgrading and
declassification

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c. Six of the 11 recommended proposals relate to changes in employee benefits, and five seek to clarify or improve the administration of employee benefits in the Agency.

Of the principal reasons why
 d. A breakdown of the 18 proposals *(were) for adoption by the Committee* not recommended is as follows:

- 1 - questionable legality
- 2 - no adoptive action available
- 3 - Offices of concern could implement without additional regulatory or policy change
- 5 - outside scope of Committee's task
- 7 - suitable remedy already exists or Committee is offering a similar proposal

e. Box Score of DDS Service proposals

OS - 8/5

OF - 1/1

OCC - 0/0

OL - 3/8

OR - 1/1

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SUMMARY OF DETAILED RECOMMENDATIONS

Committee on Administrative Authorities

Change Present Employee Benefits	Clarify or Improve Administration of Employee Benefits
<p>1. <u>Pay travel benefit to CIAR retirees.</u></p> <p>a. Authorize travel and transportation expenses regardless of duty station (U. S. or abroad).</p> <p>b. Authorize travel to a place in U. S., territories or possessions designated by employee at time of retirement. (new)</p> <p>2. <u>Grant home leave between 18-36 months.</u></p> <p>a. Eliminate regulatory requirement of 24 months service for home leave on initial tours.</p> <p>b. Establish as Agency policy that home leave will normally be after 24 months unless official action is taken to stipulate some other period between 18-36 months at a specified post.</p> <p>c. Restrict any period under 18 months to a situation which would actually jeopardize cover or security if cover home leave not taken.</p> <p>d. Requests for home leave other than 24 months could apply to a post or to a specific individual or group of employees at a post.</p> <p>e. Requests could also include an individual's return short of his originally prescribed tour, with home leave.</p> <p>f. Requests should be originated by Operating Official and approved by D/Pers.</p>	<p>1. <u>Pay travel of resignees abroad to permanent place of residence in U. S.</u></p> <p>a. Authorize travel and transportation expenses to employee's officially recorded "permanent place of residence" in U. S., its territories or possessions, or other approved place in U. S. provided reimbursable costs do not exceed constructive costs of travel to permanent place of residence.</p> <p>b. Define permanent place of residence in regulations to normally mean actual residence of record prior to transfer overseas. Permit employee to select other place as permanent place of residence for approval if actual residence was temporary or he has taken concrete action to establish a new place of residence. Define types of evidence supporting such</p> <p>2. <u>Establish overseas tours other than 24 months when required.</u></p> <p>a. Specify 24 months as Agency policy unless other period is officially specified for a post for all employees or a group of employees.</p> <p>b. Include procedures in regulation for designating tours other than 24 months based upon instigation of request by Operating Official and approval by D/Pers.</p>

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Change Present Employee Benefits	Clarify or Improve Administration of Employee Benefits
<p>2. g. Requests for home leave for a period other than 24 months could be for any official reason--cover, operational, administrative, compassionate, health, hazard, et.al.</p> <p>3. <u>Provide 12 cents mileage rate in Washington area.</u> Change regulations in order to authorize rates not to exceed 12 cents per mile with corresponding increases in flat rates for certain Metropolitan areas. (now 10¢; flat rate according to)</p> <p>4. <u>Authorize family per diem TDY stops en route to PCS, NTE 30 days, by Operating Official</u> Permit Deputy Director concerned to delegate authority, if he wishes, to Operating Official, Chief of Station or Base to approve family per diem for TDY stops en route to or from overseas PCS point up to 30 days, for any justifiable reason (cover, health, administrative, operational, etc.)</p> <p>5. <u>Limit travel of retirees abroad to U. S.</u> Pay travel and transportation expenses to a place in the U. S., territories or possessions designated by employee at time</p> <p>6. <u>Confine home leave to 15 days for personnel assigned in U. S.</u> Change regulation in order to limit home leave of an employee returning from overseas for a U. S. assign-</p>	<p>3. <u>Clarify home leave points.</u> a. Provide that place of places of return travel for home leave would include permanent place of residence; Hqs; and residences of children, parents, parents-in-laws, brothers and sisters, and brothers-and sisters-in-laws. Permit employee to request in writing other points for approval, such as future permanent place of residence. b. Consider desirability of specifying and approving home leave points in Overseas Agreement, signed by employees before transfer overseas. c. Restrict redesignations to changes that fall within criteria for original designations</p> <p>4. [REDACTED] as basis for home leave time and home leave travel: "when it is contemplated that the employee will return to service outside the U. S. immediately after home leave or upon completion of an assignment in the U. S." Delete present standard for home leave travel: "when there is a reasonable expectation that the employee will return to an assignment outside the U. S."</p> <p>5. <u>Establish criteria and procedures for determining eligibility for</u></p>

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Change Present Employee Benefits	Clarify or Improve Administration of Employee Benefits
<p>6. ment to 15 workdays. Permit exceptions when additional rest needed due to difficult overseas service; unusual delay experienced in granting home leave because employee's retention overseas was required; or serious personal or family problems necessitate more than 15 days.</p> <div data-bbox="256 793 592 871" style="background-color: black; width: 207px; height: 37px; margin: 10px auto;"></div> <p style="text-align: center;">ILLEGIB</p>	<p>5. a. time of FRQ or as soon as possible, a certification form acknowledging:</p> <ul style="list-style-type: none"> (1) he must complete his pre-scribed overseas tour. (2) he is willing to return overseas after completion of an assignment in U. S. (3) Hqs. must certify that his return overseas after his U. S. assignment is contemplated. (4) he will be liable for refund if he quits within six months of return to U. S. <p>b. Employee must also acknowledge on form that above certifications are required for receipt of HSTA.</p> <p>c. Career Service should certify on form that employee's return overseas after U. S. assignment is contemplated. When making such determinations Career Service should not approve home leave or HSTA if the employee probably will not be returned because of one or more of the following:</p> <ul style="list-style-type: none"> (1) his qualifications, work performance, or intended utilization; (2) state of health; (3) return to U. S. was for cause or circumstances making his return improbable; (4) he will be age 59 by time of return to U. S. and there are no positive plans for another overseas assignment; (5) future staffing needs of Career Service. <p>d. Certification form should be returned to field for processing an employee's home leave, when eligible, and copy held in Hqs. for processing HSTA claim, if any.</p>

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SUMMARY OF REASONS FOR PROPOSALS

Change Present Employee Benefits	Clarify or Improve Administration of Employee Benefits
<p>✓ 1. <u>Pay travel benefit to CIAR retirees.</u></p> <p>a. Responds to guidance of Executive Director-Comptroller to make sure benefits of Agency employees are as favorable as provided in other laws for employees in similar circumstances.</p> <p>b. Foreign Service retirees have proposed benefit.</p> <p>c. CIAR retirees are those most nearly in "similar circumstances."</p> <p>d. Application of benefit should be a tangible aid in administration of CIAR system.</p> <p>2. <u>Grant home leave between 18-36 months.</u></p> <p>a. Would avoid problems arising from 24 months requirement for home leave on initial tour of duty.</p> <p>b. Would permit home leave to be taken when officially necessary, for various official reasons; thus providing flexibility.</p> <p>c. Would establish a generally understood procedure for acting upon home leave requests involving other than 24 months service period.</p> <p>e. Should curtail problems in handling individual returns short of originally prescribed tour, when necessary.</p> <p>f. Should obviate much of the present misunderstanding and problems encountered in administration of home leave.</p>	<p>ILLEGIB</p> <p>1. <u>Pay travel of resignees abroad to</u></p> <p>b. Would eliminate preferential treatment of those resigning abroad, versus resignees in U. S.</p> <p>c. Would avoid encouragement of personnel to process away from Hqs., by eliminating preferred travel benefit to resignees abroad.</p> <p>d. Would lessen present confusion as to where an overseas resignee may have his HHE shipped, under Section 4 PL 110 (problem recently surfaced again by Audit Staff).</p> <p>2. <u>Establish overseas tours other than 24 months when required.</u></p> <p>a. Would provide common understanding that Agency policy on overseas tours (initial and subsequent) will be 24 months at a post unless otherwise stipulated, as a basis for determining return travel rights, advance return of dependents, etc. (Currently, no clear-cut statement on what policy is, e.g., 24 months are necessary for home leave on initial tours, but no set period is required for home leave on subsequent tour; travel expenses to and from overseas are payable if employee agrees to 1-3 years as prescribed in advance, etc.</p>

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Change Present Employee Benefits	Clarify or Improve Administration of Employee Benefits
<p>3. <u>Provide 12 cents mileage rate in Washington area.</u></p> <ul style="list-style-type: none"> a. 12 cents permitted by SOTAs. b. 12 cents a mile is authorized by Agency outside Washington area, where costs may be less per mile, e.g., sustained highway travel. c. Costs have gone up since 1961 when Agency decided upon the standard of 10 cents per mile. <p>4. <u>Authorize family per diem TDY stops en route to PCS, NTE 30 days, by Operating Official.</u></p> <ul style="list-style-type: none"> a. Would facilitate action without administrative burden of referral to Deputy Director level. b. Decisions properly could be made by same approving level making other travel decisions. c. Have precedent for proposal in AID regulations. <p>5. <u>Limit travel of retirees abroad to U. S.</u></p> <ul style="list-style-type: none"> a. Would limit current preferential right of those retiring abroad (travel to place where they will reside). b. Would conform travel rights of retirees abroad to proposed benefit for CIAR retirees, i.e., travel to a place in U. S. c. Would actually affect few people (e.g., one CIAR retiree in CY 1967 out of 68). d. In future cases, payment of travel only to U. S. could avoid potential security problems or greater cost in providing travel anywhere in world. 	<p>2. b. Would provide a uniform procedure to be followed in establishing a tour policy other than 24 months, based upon official need.</p> <p>3. <u>Clarify home leave points.</u></p> <ul style="list-style-type: none"> a. Would provide clearly understood criteria and procedure for designating home leave points. b. Would restrict redesignations to appropriate changes in original designations, e.g., change of address of parents. c. Would curtail paper work and improve understanding of allowable home leave points. <p>4. <u>Eliminate duplicative standards for home leave travel and home leave time.</u></p> <p>Would avoid possible confusion arising from application of the regulatory standards of eligibility for home leave travel and home</p> <p>5. </p> <ul style="list-style-type: none"> a. Standardized Regs. (Gov't. Civilians, For. Areas) requires joint Agency-employee certification that employee will return overseas in order to receive HSTA. b. DDCI directed definition and application of limitations as basis for granting HSTA. c. Since home leave legally contingent upon employee's return overseas, criteria for making such

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Change Present Employee Benefits	Clarify or Improve Administration of Employee Benefits
<p>6. <u>Confine home leave to 15 days for personnel assigned in U. S.</u></p> <p>a. Would conform Agency policy to requirement of State Department.</p> <p>b. Was previously recommended by Personnel Advisory Board.</p> <p>[REDACTED]</p> <p>d. The considerations leading to establishment of policy in State are applicable to Agency, e.g., economy, employee utilization, and lesser need for extended home leave if employee is staying in U. S.</p>	<p>5.</p> <p>e. determinations applicable to both home leave and HSTA.</p> <p>d. Need uniform procedure for making such determinations.</p> <p>e. Career Services best qualified to make determinations of Agency's intent to return an employee overseas (not personnel in station processing PCS Travel Orders).</p> <p>f. To meet legal requirement for determining eligibility of employee for home leave or HSTA, need criteria for determining when employee's impending retirement, health, suitability, etc. would preclude his return overseas or would cause the Career Service not to contemplate his return overseas.</p>

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SUMMARY OF PROPOSALS NOT RECOMMENDED OR ACTED UPON BY COMMITTEE

Proposals	Reasons
<p><u>Office of Logistics</u></p> <p>Approve contract service as qualifying service (CIAR).</p> <p>Develop formula to encourage early retirement, e.g., 2½ years credit for 2 years service.</p> <p>Grant a retiree under CIAR a COL allowance increase in same time frame that allowance is granted CSC retiree.</p> <p>Credit under CIAR period of federal service not covered by retirement deductions but later creditable service and permit it to be credited even if no deposit made (as in case of CSC).</p> <p>Establish Temporary Lodging Allowance for an employee who is required to occupy temporary lodging in the U. S. prior to his scheduled departure for an overseas assignment.</p>	<p>Changes in CIAR law and regulation not in Committee's charter, per memo to Executive Director-Comptroller, conferring authority on him to adopt other administrative authorities. Moreover, contract service is administratively reviewed to determine if it is qualifying service under CIAR.</p> <p>Changes in retirement system not in Committee's charter, per memo to Executive Director-Comptroller, conferring authority on him to adopt other administrative authorities.</p> <p>Ditto</p> <p>Ditto</p> <p>No adoptive authority available.</p>

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Proposals	Reasons
<p><u>Office of Logistics (con't)</u></p> <p>Authorize the payment of an annual uniform allowance to Agency crafts-men and related employees.</p> <p>Adopt authority in PL 90-236 90th Congress authorizing nontemporary storage of HHE of members of uniformed services in missing status.</p> <p><u>Office of Communications</u></p> <p>Authorize shipment of HHE for two or more points in U. S.</p> <p>Shipment of HHE and POV upon resignation from overseas to place in U. S. where employee will reside.</p> <p><u>Office of Security</u></p> <p>Review per diem rates in remote areas, e.g., [REDACTED] 25X1A</p>	<p>25X1A</p> <p>Although [REDACTED] Nonmilitary Uniforms, has been limited to chauffeurs, the Director of Logistics could approve other uniforms without additional authority or regulatory change.</p> <p>New legislation, not applicable to civilian members of DOD, is outside the scope of Committee's charter.</p> <p>Committee investigations disclosed that the Agency permits this under the same rules as State, i.e., reimbursable cost limited to constructed cost of shipment between the travel points specified in the Travel Order.</p> <p>The Committee does not believe such shipments should be limited to Hqs. or place of residence at time of appointment, as the regulations now provide. We are recommending, however, that travel and transportation expenses of an overseas resignee be paid to his permanent place of residence, (as defined in our proposal).</p> <p>Maximum rates are prescribed by DOD or Secretary of State. Agency could not by adoptive action prescribe higher rates and should rely on remedy now available--the actual subsistence expense method.</p>

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Proposals	Reasons
<p><u>Office of Security (con't)</u></p> <p>Examine the possibility of authorizing actual expenses in those cases when employee required to be in TDY status for a considerable period (domestic or foreign).</p> <p>Review policy on economy travel relative to long trips resulting in loss of work efficiency due to excessive fatigue.</p> <p>Consider payment of a differential for irregular overtime to certain classes of personnel such as FBI, Secret Service and Treasury.</p> <p>Consider the identification of certain positions as being within the category of hazardous duty and therefore entitled to receive additional remuneration.</p>	<p>Regulations permit use of actual subsistence method. If maximum allowable under this method inadequate, we believe issue should be considered through command channels.</p> <p>Regulations allow approval of first-class air travel when necessary for sanitation, health, comfort, well-being, et. al.</p> <p>Although there is no regulation on subject, this can be done. Committee informally discussed with OP and suggested to OS it present its particular problem to OP for review.</p> <p>Since Agency regulation now being prepared on subject, in response to recently revised CSC rules and regulations, the Committee took no action. We apprised OS of the situation.</p>
<p><u>Office of Personnel</u></p> <p>Grant civilian allowances to military details.</p> <p style="text-align: right;">25X1C</p> <p>Establish an Employee Services Center (patterned along lines of one in Dept. of State).</p>	<div style="background-color: black; height: 150px; width: 100%;"></div> <p>Offices of concern already have authority delegated to them to establish Center if desired. No new regulatory change or policy approval appears necessary.</p>

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Proposals	Reasons
<p><u>Office of Personnel</u> (con't)</p> <p>Provide assistance to employees in filing claims against commercial companies for damage to or loss of HHE (similar to State and DOD).</p> <p>Establish quality control and inspection activity regarding commercial shipments and storage of goods (similar to State and DOD).</p> <p>Increase Agency's invention award to same level provided by Army, Navy and Air Force--\$50 disclosure fee, a \$100 award for single patent and \$100 for each additional patent granted on same invention.</p>	<p>Ditto</p> <p>Ditto</p> <p>Action can be accomplished by a small amendment to regulations. Understand this will be considered by OP and the Agency's Patent Board. No Committee action was deemed necessary.</p>

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